

SENATE BILL 1112

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to imposition of the death
penalty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-204, is amended by adding
the following new subsection:

(l) If the jury has imposed a sentence of death, then the jury may determine
whether the defendant's sentence must be expedited pursuant to this subsection (l), and,
if the jury unanimously determines that an expediated sentence is required, return such
findings to the judge upon a form provided by the court. A defendant's sentence may be
expedited if the jury finds that:

(1)

(A) The offense involved the death of three (3) or more victims
whom the defendant killed using one (1) or more deadly weapons;

(B) The defendant committed the offense by using one (1) or
more deadly weapons on the grounds of a public or private elementary,
secondary, or postsecondary school; or

(C) The defendant committed the offense by killing a first
responder, as defined in § 39-13-116, who was acting in the course of the
first responder's employment at the time of the offense; and

(2) The evidence presented at trial proving the defendant's guilt was
incontestable, which may include, but is not limited to:

(A) Video evidence depicting the defendant committing the offense; or

(B) Deoxyribonucleic acid evidence linking the defendant to the offense.

SECTION 2. Tennessee Code Annotated, Section 40-23-114, is amended by adding the following new subsection:

(f) If the person has been sentenced to the punishment of death and the jury has determined that the sentence must be expediated, then the sentence must be carried out within thirty (30) business days of the conclusion of any appeal and the exhaustion of all available methods of post-conviction relief.

SECTION 3. Tennessee Code Annotated, Section 40-23-114, is amended by deleting subdivision (e)(2) and substituting instead the following:

(2) The commissioner of correction certifies to the governor that the department is unable to carry out a sentence of death by lethal injection despite making reasonable efforts to do so.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.